

relief would have been originally given upon the ground of constructive trust, it is refused to the party, who, after long acquiescence, comes into a court of equity to seek relief. The discountenance which courts of equity give to stale and antiquated demands for the peace of society, by refusing to interfere, where there has been gross laches in prosecuting rights, or long acquiescence in the assertion of adverse rights, is stated with great clearness by Mr. Justice Story, in the 2d vol. of his *Commentaries on Equity*, section 1520. And the doctrine so stated, is placed beyond all question by the authorities, collected in the note to that section ; see also 1 *Howard*, 189. Now, in this case, the assertion of an adverse right by the sale of this property, was in the year 1812, in which there has been an acquiescence until 1845, when this present bill was filed, or at least until July of that year, the date of the letter of the complainant's solicitor to the defendants, being a period of thirty-three years. The assertion of the hostile right by the defendant was flagrant and unqualified. It was by an actual sale of the property, and the acquiescence on the other side, was more than passive ; for the proof shows that the widow and administratrix of Gibbons, gave up the possession which she had held to that time. It is true the female complainant in this case was at that period a minor ; but her minority terminated in the year 1831, and she did not exhibit her bill until the year 1845, being an interval of fourteen years, for which no excuse is given.

It seems to me, therefore, that upon the principle so explicitly laid down in the books, and so essential for the peace of society, that the complainant cannot have relief. The bill must therefore be dismissed.

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JOHN GLENN, S. T. WALLIS and T. G. PRATT for Complainants.

JOHN J. LLOYD, T. P. SCOTT and J. V. L. McMAHON for defendants.